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EXAMINER NGUYEN, LUONG TRUNG				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,577

Applicant(s)

MERRELL ET AL.

Examiner

LUONG T. NGUYEN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS-08)
Paper No(s)/Mail Date 10/15/2010.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 09/29/2010 have been fully considered but they are not persuasive.

In re page 11, Applicants argue that neither Molinet nor Kojima teach, show, or suggest “playing back a video portion of a video message from a user”, or “capturing video data of the user for inclusion in the video portion of the video message”, or “displaying information corresponding to at least one of the recording and the playing back of the video message”, as defined in the claims.

In response, regarding claim 1, Applicants recited claim 1 with limitation “a video display for playing back a video portion of a video message from a user”, “at least one video camera for capturing video data of the user for inclusion in the video portion of the video message”, “said video display is further for displaying information corresponding to at least one of the recording and the playing back of the video message.” The Examiner considers that claim 1 as recited still does not distinguish from Kojima et al. in view of Molinet, III. Kojima et al. disclose a personal computer having LCD 21 for displaying images, which broadly read on video display (figures 1-2, column 2, lines 52-67). Kojima et al. further discloses CCD video camera 23, which picks up images or video message (figures 1-2, column 2, lines 52-67). Kojima et al. fails to disclose said video display is further for displaying information corresponding to at least one of the recording and the playing back of the video message. However, Molinet, III discloses an apparatus for displaying video time-of-recording on the DVD player display in which the time

code information (i.e. information) is displayed together with corresponding image information (i.e., the recording of the video images), figure 1, paragraphs [0012], [0024].

In re page 12, Applicants argue that neither Molinet nor Kojima teach, or suggest “a video display, having a fixed portion”.

In response, regarding claim 1, Applicants recited claim 1 with the limitation “a video display, having a fixed portion.” The Examiner considers that claim 1 as recited still does not distinguish from Kojima et al. in view of Molinet, III. Kojima et disclose a personal computer having LCD 21 for displaying images which broadly read on video display (figures 1-2, column 2, lines 52-67). Noted that when LCD 21 displays images, the personal computer 1 must be in open state as shown in figures 1-2, at this open state, LCD is considered having a fixed position. It should be noted that claim 1 does not define how video display having a fixed position.

In re page 9, Applicants traverse the taking of Official Notice and request each instance of Official Notice must be supported by a proffer of documentary evidence.

In response, the Examiner provides references as evidence support for the taking of Official Notice as follow.

Regarding claim 18, Levine (US 4,769,796) discloses a daily scheduler (figure 1, column 2, lines 44-68).

Regarding claim 21, Isashi (US 5,898,600) discloses a telephone feature for placing and receiving calls (column 30, lines 10-15).

Regarding claims 22, Harigaya et al. (US 5,875,298) discloses a message indicator for indicating an existence of unplayed video messages (figure 9, column 9, lines 52-59).

Regarding claims 23, Harigaya et al. (US 5,875,298) discloses a message indicator for indicating an existence of unplayed video messages (figure 9, column 9, lines 52-59).

Regarding claim 27, Namias (US 2002/0112005) discloses a timer for time-stamping messages as they are recorded (figure 3, paragraph [0035]).

Regarding claim 28, Namias (US 2002/0112005) discloses a timer for specifying a time amount remaining for recording the video message (figure 3, paragraph [0035]).

Regarding claim 29, Marumoto et al. (US 5,774,190) discloses a timer for specifying a time amount remaining of a current playback of the video message (column 4, lines 43-50).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-9, 18, 21, 22, 24, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Molinet, III (US 2002/0118950).

Regarding claim 1, Kojima et al. discloses a video message system, comprising:

a video display (LCD 21, figures 1-2, column 2, lines 52-67), having a fixed position, for playing back a video portion of a video message from a user;

a frame (the portion of display part around LCD 21, figures 1-2) for framing said video display; and

at least one video camera (CCD video camera 23, figures 1-2, column 2, lines 52-67) disposed on said frame, and oriented in a same direction as said video display, for capturing video data of the user for inclusion in the video portion of the video message.

Kojima et al. fails to disclose wherein said video display is further for displaying information corresponding to at least one of the recording and the playing back of the video message. However, Molinet, III discloses an apparatus for displaying video time-of recording on the DVD player display in which the time code information (i.e. information) is displayed together with corresponding image information (i.e., the recording of the video images), figure 1, paragraphs [0012], [0024]. Therefore, it would have been obvious tone of ordinary skill in the art at the time the invention was made to modify the device in Kojima et al. by the teaching of Molinet, III in order to let a user can know what time an image that is being seen on a reproducing screen was recorded (paragraph [0024]).

Regarding claim 2, Kojima et al. discloses:

a microphone (microphone 24, figures 1-2, column 2, lines 40-45) for capturing audio data from the user for inclusion in an audio portion of the video message; and

at least one speaker (speaker 8, figures 1-2, column 4, lines 29-30) for playing back the audio portion of the video message.

Regarding claim 5, Kojima et al. discloses:

a memory device (PC card which is accommodated in slot 12, figure 1, column 2, lines 49-51) disposed with said frame, for storing the video message.

Regarding claim 6, Kojima et al. discloses wherein said memory device is capable of being dynamically updated (PC card in Kojima et al. is capable of being dynamically updated).

Regarding claim 7, Kojima et al. discloses wherein said frame is a picture-type frame (figures 1-2).

Regarding claim 8, Kojima et al. discloses wherein said frame comprises a plurality of bezels (figures 1-2), at least one of said bezels for having said video display disposed thereon.

Regarding claim 9, Kojima et al. discloses:

a microphone (microphone 24, figures 1-2, column 2, lines 40-45) for capturing audio data from the user for inclusion in an audio portion of the video message; and

at least one speaker (speaker 8, figures 1-2, column 4, lines 29-30) for playing back the audio portion of the video message,

wherein said frame comprises a plurality of bezels (figures 1-2), at least one of said bezels for having said video display and said microphone disposed thereon.

Regarding claim 18, Kojima et al. and Molinet, III fail to disclose a daily scheduler. However, Official Notice is taken that it is well known in the art to include a daily scheduler to a video message system such as a laptop or a personal computer in order to let a user to prepare a schedule of working in a day.

Regarding claim 21, Kojima et al. and Molinet, III fail to disclose a telephone feature for placing and receiving calls. However, Official Notice is taken that it is well known in the art to include such a telephone into a personal computer in order to make more convenient for a user when to make call or receiving a call while working on the personal computer.

Regarding claims 22, Kojima et al. and Molinet, III fail to disclose a message indicator for indicating an existence of unplayed video messages. However, Official Notice is taken that it is well known in the art to include such a message indicator into a personal computer in order to inform to a user an existence of unplayed video images.

Regarding claim 24, Kojima et al. discloses:
an external bus (external bus 55, figure 7, column 3, lines 4-13) for at least one of connecting to an external device to retrieve the video message there from or to receive remote instructions for retrieving the video message.

Regarding claim 27, Kojima et al. and Molinet, III fail to disclose a timer for time-stamping messages as they are recorded. However, Official Notice is taken that it is well known in the art to include such a timer into a personal computer in order to inform a time of recording a message to a user.

Regarding claim 28, Kojima et al. and Molinet, III fail to disclose a timer for specifying a time amount remaining for recording the video message. However, Official Notice is taken that it is well known in the art to include such a timer into a personal computer in order to inform a time amount remaining of recording a message to a user.

Regarding claim 29, Kojima et al. and Molinet, III fail to disclose a timer for specifying a time amount remaining of a current playback of the video message. However, Official Notice is taken that it is well known in the art to include such a timer into a personal computer in order to inform a time amount remaining of a current playback of a message to a user.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Molinet, III (US 2002/0118950) further in view of Kusaka et al. (US 2003/0012559).

Regarding claim 3, Kojima et al. and Molinet, III fail to disclose a synchronization device for providing synchronization data for synchronizing the playback of the audio portion with the

playback of the video portion. However, Kusaka et al. discloses an image and audio reproducing apparatus and method, in which CPU 110 controls reading of file from the storage unit 101, decoding by the decoder 108, and synchronized reproduction of images and audio by the synchronization control unit 109 (figures 1, 13, paragraphs [0063]-[0064], [0126]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. and Molinet, III by the teaching of Kusaka et al. in order to allow a user reproduces the image and audio exactly as designated by user's own (paragraph [0127]).

5. Claims 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Molinet, III (US 2002/0118950) further in view of Mooney et al. (US 6,351,813).

Regarding claims 10 and 12, Kojima et al. and Molinet, III fail to disclose an encryption/decryption device for encrypting and decrypting the video message. However, Mooney et al. discloses a personal computer system 100, which executes a special security program which encrypts and decrypts files stored on hard drive 180, or other electronic storage devices (figures 1, 3A, column 3, lines 60-67; column 4, lines 37-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. and Molinet, III by the teaching of Mooney et al. in order to provide a means for security files stored on the system, only a user who is authorized can access computer (see abstract).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Molinet, III (US 2002/0118950) further in view of Huang et al. (US 6,247,052).

Regarding claim 11, Kojima et al. and Molinet, III fail to disclose a user input device for receiving a pre-designated message retrieval code from a user; and a password manager for blocking access to the message until the pre-designated message retrieval code provided by the user is verified. However, Huang et al. discloses a graphic user interface system for a telecommunication switch management system, in which System Security Client 54 verifies the user's ID and password to allow the user logon computer if the ID and password are valid (column 6, lines 52-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. and Molinet, III by the teaching of Huang et al. in order to provide a means for security of the system.

7. Claims 13, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Molinet, III (US 2002/0118950) further in view of Umeda (US 2001/0017977).

Regarding claims 13, 25, Kojima et al. and Molinet, III fail to disclose a delay module for receiving a delay input that delays a notification of the video message until a specified time. However, Umeda discloses a video reproducing apparatus which includes a processing procedure for the manager 301 to issue the reproduction delay notification (figure 6, paragraphs [0055],

[0056]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. and Molinet, III by the teaching of Umeda in order to reproduce a smooth video even in a scene including rapid movement (paragraph [0032]).

Regarding claim 26, Umeda discloses an external connector for receiving the delay input from a remote location with respect to a location of the video message system (PCI bus 2, figure 1).

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Huang et al. (US 6,247,052) further in view of Horvitz (US 2002/0087649).

Regarding claim 14, Kojima et al. discloses a video message system, comprising:
a video display (LCD 21, figures 1-2, column 2, lines 52-67), having a fixed position, for playing back a video portion of a video message from a user;
a frame (the portion of display part around LCD 21, figures 1-2) for framing said video display; and
at least one video camera (CCD video camera 23, figures 1-2, column 2, lines 52-67) disposed on said frame, and oriented in a same direction as said video display, for capturing video data of the user for inclusion in the video portion of the video message.

Kojima et al. fails to disclose a user input device for receiving a pre-designated message retrieval code from a user; and a password manager for blocking access to the message until the

pre-designated message retrieval code provided by the user is verified. However, Huang et al. discloses a graphic user interface system for a telecommunication switch management system, in which System Security Client 54 verifies the user's ID and password to allow the user logon computer if the ID and password are valid (column 6, lines 52-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. by the teaching of Huang et al. in order to provide a means for security of the system.

Kojima et al. and Huang et al. fail to disclose a delay module for receiving a delay input that delays a notification of the video message until a specified time that corresponds to a known time period when children are remote from the video message system. However, Horvitz discloses a notification system in which users can be enabled to specify that the notification system delay such a "display upon return" policy, and allow users to get to work when they return (paragraphs [0009], [0109], [0014], [0115], [0116]) which broadly reads on "delays a notification of the video message until a specified time that corresponds to a known time period when children are remote from the video message system."

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. and Huang et al. by the teaching of Horvitz in order to provide a notification system which enables user to select particular items to view the notification that would have been observed if the user had been at the desktop (paragraph [0114]).

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Molinet, III (US 2002/0118950) further in view of Lipton et al. (US 4,523,226).

Regarding claim 15, Kojima et al. and Molinet, III fail to disclose wherein said at least one camera comprises at least two cameras for capturing stereoscopic video data of the user. However, Lipton et al. discloses that any two video cameras may be used in a dual camera stereoscopic ensemble (figure 1, column 6, lines 33-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kojima et al. and Molinet, III by the teaching of Lipton et al. in order to capture a stereoscopic video image.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Molinet, III (US 2002/0118950) further in view of Nishimoto et al. (JP 10-240904).

Regarding claim 16, Kojima et al. and Molinet, III fail to disclose a processor for graphically generating a visual kaleidoscope for display on said display device. However, Nishimoto et al. discloses a real-time multimedia art producing device, in which the image of the motion of a player 1 is picked up by a camera 6 to segment its image pickup signal to generate a kaleidoscope by a kaleidoscope generating device 8 to display on a screen by a display device 10 (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. and Molinet, III by the teaching

of Nishimoto et al. in order to provide a multimedia art producing device which easily and simultaneously generates harmonized image and music (see abstract).

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Molinet, III (US 2002/0118950) further in view of Zanner et al. (US 7,234,117).

Regarding claim 16, Kojima et al. and Molinet, III fail to disclose a memory for storing a plurality of visual fortune cookies; and a processor for randomly selecting a visual fortune cookie from among the plurality of visual fortune cookies for display on said display device. However, Zanner et al. discloses an user interface for facilitating group interactions over a network which comprises a memory cube icon 1025 to save activities which includes fortune cookies, and a fortune cookie control 1005 is usable to provide conversation starters, jokes, etc, into the conversation, wherein the material is selected randomly from a database (figure 10, column 13, line 29 –column 14, line 12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. and Molinet, III by the teaching of Zanner et al. in order to provide a user a capability of inserting a joke, little-known fact, etc..., into a conversation (column 14, lines 5-8).

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Molinet, III (US 2002/0118950) further in view of Roffman et al. (US 6,375,568).

Regarding claim 19, Kojima et al. and Molinet, III fail to disclose a visual casino slot machine that is displayed on said display device. However, Roffman et al. discloses a display screen configuration displayed by the display screen of each gaming machine 14 (figure 1, column 8, lines 19-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. and Molinet, III by the teaching of Roffman et al. in order to allow a user can play game at his or her own personal computer.

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Molinet, III (US 2002/0118950) further in view of Goldstein (US 5,410,326).

Regarding claim 20, Kojima et al. and Molinet, III fail to disclose a remote control device for controlling functions of the video message system. However, Goldstein discloses a remote control device 5, which controls a plurality of devices 5, 6, 7 8, 9 (figure 1, column 7, lines 4-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. and Molinet, III by the teaching of Goldstein in order to allow a user remotely control function of a video system.

14. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Harigaya et al. (US 5,875,298) .

Regarding claim 23, Kojima et al. discloses a video message system, comprising:

a video display (LCD 21, figures 1-2, column 2, lines 52-67), having a fixed position, for playing back a video portion of a video message from a user;

a frame (the portion of display part around LCD 21, figures 1-2) for framing said video display; and

at least one video camera (CCD video camera 23, figures 1-2, column 2, lines 52-67) disposed on said frame, and oriented in a same direction as said video display, for capturing video data of the user for inclusion in the video portion of the video message.

Kojima et al. fails to disclose a message indicator for indicating an existence of unplayed video messages. However, Official Notice is taken that it is well known in the art to include such a message indicator into a personal computer in order to inform to a user an existence of unplayed video images.

Kojima et al. fails to disclose a message indicator for indicating an existence of saved video images that have been already played back at least once. However, Harigaya et al. discloses a recording-reproduction apparatus in which the system controller displays a message indicating that the reproduction operation is being executed to the display unit 20 (column 4, lines 55-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kojima et al. by the teaching of Harigaya et al. in order to let a user recognize that video messages have been played back.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571)272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LUONG T NGUYEN/
Primary Examiner, Art Unit 2622
12/04/10